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June 7, 1995

Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20054

In Re: WT Docket No. 95-56 -- Use of the 216-217 MHz Band for Low Power Radio and Automated Maritime Communications System Operations

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IC Docket No. 94-31 / Preparation for International Telecommunication Union World Radiocommunication Conferences

Dear Chairman Hundt:

Recently, the Commission received comments from the proponents of small satellite systems commonly referred to as "Little LEOs" seeking an allocation for feeder links, *inter alia,* in the 216 MHz range.[1] This eleventh hour proposal was filed as the Commission finalizes a *Report* on U.S. proposals to WRC-95, scheduled to be adopted in mid-June.

ProNet Inc. ("ProNet") opposes a portion of the Little LEO proposal. That pleading -- and its accompanying engineering documentation -- wholly ignores the fact that the Commission adopted a Notice of Proposed Rule Making on April 25, 1995, which found that the public interest lies in allocating this part of the band for low power devices used by law enforcement and the disabled. Although the Little LEO proponents do not provide sufficient technical information to establish with certainty the effect of satellite feeder links on a low power device allocation, preliminary analysis indicates that sharing would be difficult, if not impossible. As discussed below, before

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[1] Joint Supplemental Reply Comments, IC Docket 94-31 (filed May 18, 1995) [hereinafter "Little LEO Proposal"].

the Commission can act on the most recent Little LEO proposal, it is incumbent on the Little LEO applicants and licensees to demonstrate that their plans will not cause harmful interference to the proposed low power device allocation. Other than the foregoing, ProNet takes no position on the public interest in obtaining spectrum for Little LEOs.[2]

I. BACKGROUND

Since the late 1980's, ProNet has worked with the FCC staff to secure a frequency allocation for its low power law enforcement tracking service ("LETS"). The LETS technology is intended for use by law enforcement agencies, including the FBI and metropolitan police departments, to help prevent and recover robberies, drugs, kidnapping, and stolen property. ProNet has demonstrated the value of this technology in solving and preventing crime for over 15 years through operation of 26 systems in 23 major metropolitan markets on frequencies near 219 MHz, pursuant to an experimental license. Dozens of law enforcement agencies, including the FBI, filed comments with the Commission in support of ProNet's proposal.

After lengthy and thorough consideration, ProNet's diligence was recently rewarded with the adoption of a Notice of Proposed Rulemaking seeking to allocate the 216-217 MHz for a new Low Power Radio Service.[3] Specifically, the Commission suggested allocating 30 channels for use in the band, two of them -- near the middle of the band -- specifically for law enforcement purposes. These channels would be shared within the service by all other Low Power Radio devices.

The FCC viewed this proposal as serving the public interest by facilitating the deployment of LETS technology as well as auditory assistance devices for the hearing-impaired and other health care assistance devices intended to aid persons with disability or illness. In so doing, the FCC found that the proposed allocation offered "substantial public benefits" while promising not "to cause harmful interference to TV Channel 13 operations." Indeed, the FCC concluded that its proposals would: (1) further the goals of the Americans with Disabilities Act of 1990; (2) improve educational opportunities for persons with disabilities; (3) facilitate the delivery of health care services; and (4) aid law enforcement and thus help to reduce crime. ProNet shares the Commission's

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[2] Indeed, the Commission has already allocated and licensed spectrum for Little LEOs in other bands.

[3] WT Docket No. 95-56, adopted April 25, 1995; released May 16, 1995.

enthusiasm for its proposals and looks forward to a speedy resolution of the rule making so that the public can begin reaping the benefits of this allocation.

II. LITTLE LEO PROPOSAL

Several years ago, the Commission established allocations for data-only low earth orbit satellites, in several bands near 150 and 400 MHz. With the filing of several additional applications to provide such service, the proponents and the Commission have been seeking additional spectrum throughout the 200-1000 MHz band. Over the last several months, the applicants and licensees for non-voice, non-geostationary (NVNG) satellite systems below 1 GHz have tendered many proposals. Having first tried to claim government spectrum, then private land mobile spectrum, the Little LEOs now seek some of both for their proposed additional allocation.

Specifically, the Little LEOs have requested allocations in the following bands:

- 386-390 MHz - Service downlink
- 420-422, 455-456 and 459-460 MHz - Service uplink
- 216-216.5 and 217.5-218 MHz - Feeder downlink
- 450-451 MHz - Feeder uplink

ProNet has no comment on the Little LEO proposals outside of the 216-216.5 MHz band.

III. ProNet COMMENTS

ProNet appreciates the U.S. policy favoring additional allocations for LEOs, and the desire to confirm any such allocation at the upcoming WRC. ProNet has no opposition to this objective. With respect to the proposal to use 216-216.5 MHz, however, the Little LEO proponents have simply failed to do their homework. Accordingly, the agency cannot at this time recommend that frequency, either in the domestic environment or as a U.S. proposal for WRC-95.

The Little LEO proposal asserts that the NVNG MSS system can share with other users of the band.[4] Yet, nowhere do the proponents analyze -- nor even mention

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[4] *E.g.*, Little LEO Proposal at 4.

-- the planned use of the band by the Low Power Radio Service. Obviously, the current record is incomplete, and the Commission should not propose to adopt this portion of the Little LEO proposal until this analysis is finished, along with examination of its effect on adjacent TV Channel 13.

Indeed, it is far from clear, even after preliminary analysis, that Little LEOs could use the 216-216.5 MHz band without interference to the Low Power Radio Service. ProNet's preliminary examination, based on the relatively sparse information in the NVNG MSS proposal, suggests that the relatively high-power, wide coverage area Little LEO feeder downlinks would cause debilitating and unacceptable interference to law enforcement tracking systems and auditory assistance devices of ProNet and Phonic Ear. Unlike the marine radio users that are discussed in the Little LEO sharing analysis, Low Power Radio Devices will be widely dispersed and have high sensitivity, and thus will be extremely susceptible to interference. Moreover, as a new service, the Low Power Radio Service has no ability to migrate to other technologies. Indeed, because of their relatively high out-of-band emissions, Little LEO use of the 216-216.5 MHz band may preclude the Low Power Radio Service from operating even in the adjacent 216.5-217 MHz band or interfere with adjacent TV Channel 13.

Nor can it merely be assumed that Little LEOs are more deserving of spectrum than the new Low Power Radio Service. ProNet's system will be used by law enforcement officers; Phonic Ear's will provide audio programming for the hearing impaired. These services have equal or greater public importance to the services proposed by the NVNG MSS applicants.

Finally, it should be noted that the new Low Power Radio Service will already be required to share with existing users of the band and among themselves. ProNet has carefully engineered its law enforcement tracking devices to operate in a shared environment, taking into account existing and planned systems. Addition of relatively high-power, wide-angle earth-to-space transmissions could make the lower power systems inoperable, dooming the nascent Low Power Radio Service in its infancy. And, as noted above, out-of-band emissions from the high-power NVNG MSS downlinks could make the *entire* planned Low Power Radio Service band unusable, not just the 500 kHz that the Little LEOs seek to commandeer.

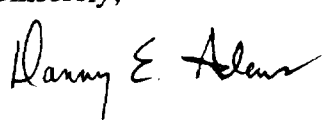
In the future, perhaps, if the proponents provide a full analysis of the effect of their proposal on the Low Power Radio Service, the Commission can reach conclusions about the ability of Little LEO systems to protect all licensees in the 216-216.5 MHz, including those in the planned Low Power Radio Service. For now, ProNet suggests

that this portion of the NVNG MSS proposal be deferred pending submission of detailed spectrum or sharing studies.

IV. CONCLUSION

Less than a month after the Commission concluded that the creation of a new Low Power Radio Service served the public interest, another service in need of spectrum has proposed to purloin the frequencies. ProNet submits that the record does not support the Little LEO request for 216-216.5 MHz, or indeed even fully discuss the potentially displaced users. Nor is there any substantive analysis of the interference potential on TV Channel 13. Accordingly, the Commission should defer any action on that portion of the NVNG MSS plan pending submission by the Little LEO proponents of studies and plans on how they can operate without undermining the Low Power Radio Service.

Sincerely,



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